

STATE LAND USE PLANNING ADVISORY COUNCIL

DRAFT

Minutes

June 30, 2004

Meeting Location

Nevada Department of Wildlife
Conference Room B
1100 Valley Road
Reno, Nevada

Members Present

David Fulstone, Lyon County
Eleanor Lockwood, alt. for Churchill County
Barbara Ginoulias, Clark County
Sheri-Eklund-Brown, Elko County
Varlin Higbee, Lincoln County
Sheldon Bass, Nye County
Roger Mancebo, Pershing County
Bill Whitney, Washoe County
Mickey Yarbrow, Lander County

Members Absent

Gary Bengochea, Humboldt County
Robert Kershaw, Storey County
David Provost, White Pine County
Steve Weissinger, Douglas County
Michael Mears, Eureka County
Pete Livermore, Carson City
Stephanie Lawton, Esmeralda County

Note: Mineral County seat is currently vacant

Others Present

Pamela Wilcox, NV Division of State Lands
Skip Canfield, AICP, NV Division of State Lands
Jim Lawrence, NV Division of State Lands
Clinton Wertz, NV Division of State Lands
Harley Culkin, Nye County Planning Commissioner
Hugh Ricci, NV State Engineer's office
Ron Penrose, Truckee Meadows Water Authority
Michael Cameron, Nature Conservancy
Richard Nelson, NV Dept. of Transportation
R. Michael Turnipseed, NV Dept. of Conservation and Natural Resources
Jim Petell, Town of Pahrump
Tom Buqo
M. Giagauli
Donna Lamm- SNCCD

CALL TO ORDER

Roger Mancebo called the meeting to order at 8:33 am.

Self-introductions were made of all present.

Prior to approving the draft minutes for the March 30, 2004 SLUPAC meeting, **Roger Mancebo** asked if there were any proposed changes or comments. **Sheri Eklund-Brown** noted two changes. First on page one her name should only have one hyphen after Eklund, secondly Lander County is missing after Mickey Yarbrow's name.

David Fulstone made a motion, which was seconded by **Bill Whitney**, to approve the minutes of the March 30, 2004 SLUPAC meeting with the noted edits. The motion was approved by an affirmative vote of all members present.

AGENCY REPORT

Pamela Wilcox reminded all members that six council positions were expiring this meeting and appointments by the governor's office were in process. She also emphasized the need for those six counties to submit three names to the state lands office. Counties may designate a preferred name. Until new appointments are made, **Ms. Wilcox** stated that council members should continue serving their terms. Currently only two of six counties have presented three names for consideration. **Ms. Wilcox** introduced Mike Turnipseed and Hugh Ricci to the audience along with Mike Del Grosso's replacement, Jim Lawrence. She further stated that position of Land Use Planner had been filled and that Clint Wertz had been selected after moving from Oregon and working there as a land use planner.

Skip Canfield presented the State Land Use Planning Agency report. **Mr. Canfield** gave a brief description of the function of the agency which includes a federal lands planning program and a technical assistance program which offers free planning services to Nevada's counties. He reiterated the availability of **Mr. Wertz** for counties wishing to create or amend planning documents as well as providing training for planning commissioners and town and county boards.

- Nevada Division of State Lands has been involved with the statewide public land policy plan update. In addition he stated that these efforts were occurring concurrently with local public land use plans updates in White Pine, Elko, Eureka and Lander counties. He has met with Public Land Use Advisory Councils (PLUACS) and plans to commence work on these projects soon.
- Southern Nevada Public Lands Management Act of 1998- **Mr. Canfield** stated that he and **Ms. Wilcox** have been involved in round five of land disposals and expenditures of the funds in Clark County and statewide. The planning agency is responding to land use planning implications stemming from the SNPLMA process.

- The Nevada Division of State Lands continues to be involved with the BLM Resource Management Plan updates.
- The Lincoln County Land Act of 2004 was recently introduced in Congress. **Mr. Canfield** stated that the agency had reviewed the most recent land designation map and that comments were forthcoming. All current Wilderness Study Areas except one were included on the map and two additional wilderness areas had been added.
- **Mr. Canfield** explained his involvement in the state clearinghouse reviews. It is his role to facilitate and forward state comments related to activities on federal lands statewide that may result in local land use impacts. He has seen a recent upsurge in development projects on federal lands, especially with regards to energy production proposals.
- Technical assistance requests are pending for the Pahrump Regional Planning Commission, assistance with master planning and zoning in Humboldt County, Smith Valley master planning and a proposed Pioche element addition to the Lincoln County Master Plan. The latter planning project is timely with the possibility of land disposals near Pioche resulting from the recently introduced Lincoln County Land Plan of 2004.
- The 2004 version of the "Laws Relating to Planning" publication is available for \$12.00 a copy. The agency charges solely to recover printing costs.
- **Mr. Wertz** is currently updating the planning directory.

Mr. Mancebo requested a copy of the Lincoln County Land Bill for review. **Ms. Wilcox** responded that she would forward a copy of the act to **Mr. Mancebo** and any other members who requested it. **Mr. Canfield** reminded members that any federal legislation can be accessed by online at thomas.gov. and typing in keywords such as "Lincoln County". Council members agreed to find the Lincoln County act language on the internet. **Ms. Wilcox** stated that there were 7 elements to the Lincoln County Land Act. (*Lincoln County Conservation, Recreation, and Development Act of 2004*)

1. Land Disposals
2. Proceeds from sales
3. Wilderness designations
4. Utility corridors
5. Federal land management jurisdictional transfers
6. Silver State OHV Trail
7. Open space transfers to NV State Parks and Lincoln County

Mike Turnipseed interjected that the utility corridor projects were related to Clark County proposals for water transfers. **Ms. Wilcox** further stated that a hearing is expected in July of this year and that final action on the bill before the end of session is possible but not guaranteed since the election year shortens the time in session for congress.

Varlin Higbee mentioned the strongest opposition in Lincoln County to the act was the 2 additional wilderness areas. There is also concern over the minimizing the impacts of the proposed wilderness areas on water rights and private property concerns nearby. Otherwise he felt the county was in support of the legislation.

Bill Whitney inquired about the change of policy by the US Forest Service in overhauling their district plans. He wondered if other counties had experienced Washoe County's dilemma of having participated in district plan updates only to have regional plans updated soon after. **Mr. Canfield** responded that evidently it was a regional change in policy and that many counties will be impacted by the changes since most, if not all, counties in Nevada have at least some portion of their lands managed by the USFS.

Ms. Eklund-Brown commented that she attended a recent USFS plan update meeting and that six portions of the plan were being updated and considerable change was likely. She was concerned that few people attended the meeting and there was no state representative. She then asked if the state had been involved in this effort and **Mr. Canfield** responded that he had not been involved but requested more information. The topics included rangeland management, OHV policies and riparian areas. **Mr. Whitney** inquired if similar meetings had occurred around the state. **Ms. Wilcox** stated that perhaps this topic could become an agenda item for an upcoming SLUPAC meeting. **Ms. Eklund-Brown** said the next meeting was to be held in August by the USFS in Elko County.

Rick Nelson, Assistant Director of Operations, NDOT **Open Range Management along Nevada's Highways**

Link to NDOT

<http://www.nevadadot.com/>

The state of Nevada tracks crashes caused by animals in the roadway. In the past 5 years the number of crashes has remained relatively stable even with the increase in population. The exception to this rule would be that crashes with deer have increased. Several statutes have direct impact on conflicts arising from Open Range and highway crashes.

NRS 568.355 Open Range defined as all unenclosed land outside of cities and towns upon which cattle sheep or other animals are permitted to roam.

NRS 568.360 Explains duties of owners of domestic animals that enter upon open highway.

- Liability of those allowing animals to enter highway on open range is restricted.
- Liability of those allowing animals to enter a fenced enclosure in a ROW is not limited.

NRS 569.431 definition of a legal fence is a fence not less than 4 horizontal barriers, with poles set 20 ft apart, with 1st barrier at least 12 inches high etc....

Mr. Nelson described two situations where highways in Nevada are fenced.

- Highway "Rights of Ways" on major routes

- Identified crash areas with documented history of hazards.

Typically district offices get reports of problem areas and study crash data to determine if an area should be listed for fencing. Limited funding means that a corridor would need to have documented crash data to elevate the area to the point of being funded for fencing. There are several types of fencing done by NDOT depending on wildlife species in the area. They include several types of range fencing and specialized fences for deer and tortoises.

Mr. Nelson further stated one main question is often asked regarding open range and fencing. Who is responsible for fencing? The intent of the highway fencing is to keep the animals off the highway not to confine the herd. When there is a known hazard the agency attempts to mitigate the danger by using signage to warn motorists of the upcoming risk. In addition there are temporary signs used to move herds across highways. NDOT will work with ranchers to minimize impact on grazing operations while maintaining public safety along the highways.

Mr. Whitney inquired as to the effectiveness of this program. He was unaware of this program being used within Washoe County. **Rick Nelson** responded that there are several locations within the state effectively using temporary livestock crossing signs. The Fallon area has used temporary signs in conjunction with the district office. As the state grows the fringe areas have potential for more conflicts in this area. One area he knew of was near Washoe City.

Sheldon Bass asked if this program was possible for wild burros? There are locations near Pahrump where burros gathered along the roadways. (North of Pahrump at Johnnie)

Mr. Nelson did not see any difference between livestock and wild horses or burros. All grazing animals should be kept off the state highways especially when known problem areas arise. He further stated that the trend is to error on the side of caution. Both signs and fencing can be utilized to promote public safety. **Mr. Bass** inquired if the district offices should be contacted to get an area signed or fenced. However, one problem that can arise in more congested areas is sign blight. In those cases their effectiveness is reduced. NDOT is liberal with signs.

Mr. Higbee who happens to work on a NDOT road crew as a mechanic mentioned the use of these temporary crossing signs in Lincoln County. One problem that arises is the theft of the signs which cost \$300 to replace. He said that road crews can spend a lot of time replacing signs that appeal to thieves such as the "bull crossing" signs. **Ms. Wilcox** added that the NV Division of State Lands receives open range complaints from county planners regarding perceived high crash areas along state highways.

Mr. Nelson stressed that any new fencing projects are competing against other types of projects such as; new signals, paved roads, and other road projects. There are budgetary constraints which limit the amount of new fencing the state can accomplish. The department uses crash data to rank fencing projects. Any unreported crashes may go unaccounted for unless reported to NDOT. Likewise, areas with alarming crash data will rise to the top of the list. Costs can be reduced therefore enabling more projects by using inmate labor, volunteers or in kind donations of materials.

Ms. Wilcox asked if local residents could get more involved in fencing projects. **Mr. Nelson** responded that fencing can be built by any property owner beyond the ROW to address safety concerns. Challenges can arise when there is access issues or if public land is located on both sides of a proposed fencing area.

Jim Pettell an audience member requested information on burro collisions near Pahrump. There were some questions regarding how to get a cattle guard installed and some fencing in a specific area.

Mr. Nelson mentioned that data is available at their website on crashes or cleanups where animals have been hit along state highways. He explained that there are two ways of getting a project listed for fencing. First fencing can be tied to a repaving project that is planned. Fencing a specific area can reduce overall cost if tied to a larger project. Secondly, fencing can be funded by itself but he emphasized the need for data on the site to support the request.

David Fulstone commented on a project along HWY 50 where special side angle reflectors are being used to discourage horses from the highway. The reflectors can projector lights at a wide angle of view and essentially spook the animals along the highway before they enter the highway. He thought that early results show promise. **Mr. Nelson** responded that this project has been in place for 2 years and has improved safety in that corridor. The design of the reflectors in very unique and effectively.

Ms. Eklund Brown commented about on HWY 93-A where wild horses have been hit there was a fencing project to address safety that actually seems to have created more problems than before.

Mr. Canfield inquired how individuals can report problem areas or request fencing. He mentioned seeing burros along the roadway near Mina after several trips through the area recently. **Mr. Nelson** responded that there is a hotline for animals on the roadway. (775-778-7711) It takes 24-48 hours for NDOT to respond to a request. Many of these calls are then forwarded to district offices for inspection. It may be faster to call the district office directly.

Ms. Eklund-Brown inquired about BLM's role in keeping wild horses and burros off state highways. She is aware of the enclosures that are used to keep animals out but not sure of other involvement. **Mr. Fulstone** commented on Ms. Eklund-Browns' question about fencing and said he thought that BLM could get funding for fencing horses and burros in problem areas.

Mr. Yarbrow stated that Lander put in a request for fencing project between (Hwy 305 and 376) Battle Mountain and Austin and from Austin to the Nye County Line in Kingston is nearing completion. **Mr. Bass** asked about the timeline for the project. **Mr. Yarbrow** responded it had taken 8-10 years to accomplish.

Ms. Wilcox mentioned that she was unaware of fencing other than for allotments. She asked Rick Nelson if BLM fences highways. **Mr. Nelson** responded with a "no". If a fence exists along the highway it is because NDOT wants to keep things out.

Mr. Yarbrow commented on a grazing exchange scenario where allotments that crossed roadways can be swapped with adjacent allotments to ensure the grazing units are simply exchanged by ranchers to avoid the road crossing altogether.

Mr. Whitney inquired about the use any proposed animals crossing underpasses in Nevada. He had seen a project on HWY 395 in California. **Mr. Nelson** replied that there are several existing underpasses for animals but there has also been reports of predation and hunting in these areas since animals are essentially funneled into a narrow area. **Mr. Nelson** also commented on recent NDOT staff trips out of state to examine animal crossing designs.

Ms. Eklund- Brown presented several questions related to open range laws. Elko County has had problems areas for 20 plus years where ranching and residential uses have conflicted. Some are related to OHV use by youth and the cutting of fences for access. Other areas include "petting fences" where families commonly go to pet horses and cattle. She also said that Elko County has tried to educate the public about the need for maintained fencing in certain areas and the purpose behind the open range law. She said Elko County's newest ordinance requires a 30 ft buffer around a subdivision to reduce conflicts but many of the existing problems are with older subdivisions. Realtors now provide information to new residents on what to expect living next to a open range as well as information on the open range law. There have been several cooperative projects between rancher and residents to improve problem areas. Elko County has limited its direct involvement in these projects due to its perceived liability as expressed by the District Attorney.

Green stripping has been done in some areas using fire monies and some allotments have been fenced to reduce problems. In recent times, there has been a higher level of motivation from all parties who want to see the conflicts reduced. In addition, the checkerboard issues still present management challenges between allotment areas and proposed and existing residential areas. To date the Cattleman's Association and the N-1 Grazing Board have not become directly involved in these open range and fencing issues.

Ms. Eklund- Brown felt this was a mistake by these groups to avoid the issue and that they were missing an opportunity to create lasting partnerships to protect their interests. NRS allows for animal control districts to be created where cattle could be controlled like dogs however it does not appear likely in Elko County.

Mr. Yarbrow expressed similar concerns in Lander County. Conflicts have occurred between residential and grazing uses as well. Funding sources are sought for fencing and cattle guards. There is a project where the Natural Resources Conservation Service has helped with fencing. They might be another partner for counties to pursue.

Ms. Eklund-Brown continued by saying that residential owners are required by the county to contribute a nominal amount in repairing fences. Problems where kids have cut fences riding OHV's seem to be better handled when the families are held responsible for assisting in correcting the problem. This way there is increased community understanding for the problem and an awareness that someone has to fix the fences once cut.

Mr. Mancebo asked if NDOT only fences in the ROW. **Mr. Nelson** responded that in most cases fencing occurs as close to the property line as possible. While they welcome any off-site fencing to reduce highway conflicts their agency does not fence beyond the ROW.

Ms. Eklund-Brown inquired about other problem areas in the state. **Ms. Wilcox** replied that Washoe County has had its share of conflicts. **Mr. Mancebo** also stated that Grass Valley is another problem area.

Mr. Higbee reminded the group that the purpose of the Open Range Law was to protect large tracts of land for the purpose of grazing and to prevent conflicts. In addition, it was intended to limit costs incurred by ranchers for fencing.

Ms. Eklund-Brown responded that the county should bear some responsibility since it approved the "problem subdivisions" years ago without preventive measures to reduce grazing conflicts. **Mr. Yarbrow** added that complicating matters further is the changing development patterns that have occurred in recent years.

HUGH RICCI, STATE ENGINEER **WATER RESOURCES LAW AND MANAGEMENT IN NEVADA.**

Link to water resources website. <http://water.nv.gov/>
Factoids related to water law.

- Water resources staff of 78
- 1902 Federal Bureau of Reclamation created
- 1905 NV water law created- based on public ownership of water
- Prior appropriation is water law used in Nevada
- Eminent domain allowed under Nevada Law (never used?)
- NRS 532-533 mostly used
- Geothermal use requires no water permits (if re-injected)
- 1913 Act setting forth comprehensive procedures on:
 - Appropriation
 - Adjudication
 - Distribution
 - Conservation of underground waters
 - Eminent domain
 - Defined beneficial use
 - Declared all water to belong to the public.

Duties of the state engineer.

- | | |
|-----------------------------|--------------------------------------|
| ■ Appropriation | ■ Flood Plain Management |
| ■ Adjudication | ■ Dam Safety |
| ■ Well Drilling Regulations | ■ Artificial Recharge |
| ■ Water Right Ownership | ■ Primary and Secondary Applications |
| ■ Distribution & Regulation | ■ Subdivision Review |
| ■ Water Planning | |

Mr. Ricci presented the two leading doctrines for water rights in the nation.

- Prior Appropriation
- Riparian Rights

Prior appropriation refers to the 1st in time the 1st in right philosophy of water use. Those who file water rights first in an area can claim precedence over later arrivals. In addition:

- ✓ Beneficial use is the limit of the water right,
- ✓ Use it or lose it

Riparian Doctrine includes the following concepts.

- ✓ Use from lake/stream next to property
- ✓ Can only use on land that is riparian
- ✓ Natural flow vs. reasonable uses
- ✓ Natural flow vs. artificial uses

Mr. Ricci stated that the Riparian Doctrine was common in the east where waterways flowed year round. Not very effective in the west since water had to be transported long distances to serve public and private needs.

Sheldon Bass inquired about the conversion of water rights from agricultural to commercial use.

Mr. Ricci responded that an applicant with senior water rights can change the use of water to a different (non- agricultural.) use by filing an application with his office. This type of transfer has been allowed since 1907.

Mr. Ricci continued by stating that of the 14 regions in the state all but 2 are within the Great Basin. (The 2 outside the basin are the Owyhee (in the north) and Colorado (in the south) tributaries.

Mr. Ricci presented a summary of ground water and surface water.

1. Surface Water
 - Historic and current measurements
 - Decreed
2. Groundwater
 - 232 Groundwater basins
 - Perennial Yield or Safe Yield
 - 1.7 Million Acre – Feet
 - 232 Groundwater Basins
 - Effluent, geothermal
 - Perennial Yield of Valley-Fill Reservoirs
 - 119 Groundwater Basins of the 232 are Designated or Partially Designated

Ms. Eklund- Brown asked if anyone could file a claim in the undesignated basins? **Mr. Ricci** deferred her question until later in the program.

SURFACE WATER IN NEVADA

Mr. Ricci summarized surface water issues for Nevada. There is about 4.5 million acre feet. Excluding the Colorado River, Nevada has approximately 3.2 million acre-feet of surface water

runoff within the state, plus 1.3 million acre-feet flowing into the state. The Truckee, Carson, Walker, Virgin River and the Humboldt River, by far the largest make up this latter category. He explained how the Humboldt is over designated. Colorado River allocation is administered by the Colorado River Commission through the Bureau of Reclamation (BOR). Five types of surface water exist;

Federal decrees, State Decrees, Civil Decrees, Permits and the Colorado River Compact.

Mr. Ricci stated that 87% of water usage is for agricultural uses. He then outlined the process in a list.

Mr. Ricci stated that 4 main criteria are used for application review:

- Water available from proposed source
- Does not conflict with existing rights
- Cannot threaten to prove detrimental to the public interest
- Protectible interest in domestic wells

In 1995 the legislature added a "good faith effort in use" criteria to the application to prevent water rights speculation. **Ms. Eklund-Brown** asked about the steps that should be taken when transferring property with water rights.

Mr. Ricci responded that water rights transfer with land in Nevada as an appurtenance but a change in name should be filed. Water rights can also be followed by chain of title in a title report. This may require going back several owners to find the last ownership transfer.

Mr. Ricci proceeded with a discussion of inter-basin transfers. Not a new idea!

- 1st interbasin transfer was in 1873 Marlette Lake to Virginia City (Lake Tahoe Basin to Dayton Valley)
- CANNOT change point of diversion from one hydrographic basin to another. Water is moved via ditches, pipeline etc.

Mr. Ricci described the process and reasoning for being able to transfer water between basins.

Mr. Bass asked about comments made at a recent meeting by staff from the State Engineer's office regarding water transfers. **Mr. Ricci** responded that any transfers must follow statutory rules to determine their merit. **Mr. Ricci** illustrated the concept of inter-basin transfers with a table highlighting Nevada's inter basin transfers.

Mr. Ricci continued by explaining the role of in-stream flow water rights.

- Are permitted by the State Engineer for fish and habitat protection.
- Recent decisions on the Truckee River
- Not limited to listed or protected species.
- Any responsible party with the authority, ability and ownership of a water right can file

Mr. Ricci then summarized the role of the State Water Engineers office in protecting springs and species.

Ms. Eklund Brown asked if Mr. Ricci's office was in charge of riparian easements in relationship with cooperative weed management. Does his office have ROW for bug treatment and weed spraying along streams?

Mr. Ricci suggested contacting NDEP and that his office has no authority in that area.

Eleanor Lockwood inquired about the role of the State Engineer's office in considering water demands in the context of regional planning efforts. What would the impacts be on communities where transfers are taking place? More specifically, she asked about the availability of water and its link to growth management strategies. County to county impacts, increasing awareness **Mr. Ricci** asked Ms. Lockwood to define regional. **Mr. Ricci** said that planning efforts could identify potential problems related to water usage but until an actual application is filed his office cannot act. **Ms. Lockwood** emphasized the importance in a "Desert State" to be proactive regarding water use and management. **Mr. Ricci** stated that his office must follow the statutory requirements. **Ms. Lockwood** inquired about the role of the water planning division. **Mr. Ricci** agree that they address the supply of water and potential for use.

Mr. Fulstone commented on fastest growing region of the state located between Douglas Lyon, Carson and Churchill counties. He further said that there is a limit to irrigation water that can be converted to other uses related to growth. He asked if there was a limit to using infiltration wells. **Mr. Ricci** responded that there were decree issues with these and they cannot be used outside the permitted season of decree.

An audience member asked about the potential for a long distance inter basin transfer from a source like the Columbia River. **Mr. Ricci** replied that there would be a host of jurisdictional obstacles not to mention endangered species questions of listed salmon species.

STEVE BRADHURST, Director, - Water Resources Management in Washoe County

<http://www.co.washoe.nv.us/water/rwpc/regionalpln.htm> (Link to regional water plan)

Mr. Bradhurst summarized the function of the county's water resources department.

- Ensuring ground water is protected
- Limits on water use
- Match development with water rights
- Limit new water rights when necessary

He stated that there are continuing studies within the basins served and that management is fine tuned through continual revision of the Washoe County Comprehensive Regional Water Management Plan. **Mr. Bradhurst** mentioned several remediation projects in the area. Truckee Meadows has been undergoing remediation to avoid a superfund listing. Nitrates contamination have been an ongoing problems in some areas served by septic systems. There

has been cooperation with USGS in the Spanish Springs area. Regional Flood control is another area of concern and there has been a coalition between Reno and Sparks and Washoe County to address this. Storm water management is included as part of this strategy. **Mr. Bradhurst** mentioned that reclaimed wastewater has been used in Carson City, Henderson and Washoe County for irrigation purposes such as golf courses.

Mr. Bradhurst described how in 1983 the legislature created a Water Planning Advisory Board to identify management changes to water management in Washoe County. As a result in 1986 there was the creation of the water authority to combine disjointed efforts at managing the regions water supply. A regional water planning commission was created of nine members and a regional water management plan was the product of their work. The plan is being enforced through the courts as an ordinance and well beyond a policy document.

RON PENROSE- Truckee Meadows Water Authority

Factoids about TMWA

- 80,000 customers
- 2 surface water treatment plants- Chalk Bluff and Glendale
- 30 production wells
- 700 ft elevation change for service area
- 80 booster pumps
- 30 water tanks
- 3 retired surface water plants resulting from safe water drinking standards

Mr. Penrose spoke of his agency's efforts at balancing water supply and water quality for the region. He emphasized a change that has occurred in the public process, from the traditional creation of alternatives by engineers and suggesting of a draft to the public for comment to a more integrated public involvement process. Below are the contrasting processes.

THE "OLD WAY" OF PLANNING,

- Define Project Criteria Including Criteria from Major Jurisdictional Agencies
- Planning Study with Selection of Project from Analysis of Alternatives; Engineering Criteria and Cost Benefit Analysis; Select Project
- Conceptual Design with Mitigation Of Major Environmental Issues
- Submit Project for Necessary Permits; Adjust Project for some "public comment"
- Obtain Permits and Complete Design
- Build the Project

CURRENT PLANNING PROCESS

- Planning Study to Define Project Need
- Review Project From a "Universal Public Perspective"; Define those groups that might be affected by the project, including a definition of all environmental/recreational issues.
- Gather input from all "stakeholder" groups and the public; Use various information gathering and disseminating methods (project web-site, one-on-one and group presentations)

- Develop Project Criteria from public input process
- Present Project Alternatives to Stakeholders and Jurisdictional Agencies. Hopefully, the end result is a "preferred community" project
- Submit Project for Permits-commence final design and adjust slightly based upon agency and further public input
- Obtain Permits and complete Final Design
- Build Project

Mr. Fulstone inquired if the authority was a water purveyor only. **Mr. Penrose** responded with "yes". TWMA has done some limited re-treatment of wastewater for irrigation purposes but otherwise does not deal in waste water. **Mr. Fulstone** then asked how projects are funded (through impact fees?) **Mr. Penrose** stated there are new connection fees paid by developers and other facility charges. Bonding is sought for larger projects. **Mr. Fulstone** requested a copy of the rate structure. **Mr. Penrose** responded that the rate structure is on their website but he would be sure that he could get a copy of it.

(Link to current fees.)

http://www.tmh20.com/customer_services/new_construction/

MICHAEL CAMERON – Desert Rivers Program Manager, Nature Conservancy

Link to Desert Rivers Program web site.

<http://nature.org/wherewework/northamerica/states/nevada/preserves/art11305.html>

Michael Cameron introduced himself and the Nature Conservancy with regards to the recent projects for the Truckee River Watershed. He identified 8 locations along the Truckee River (from Sparks to Wadsworth) where TNC has been involved in river restoration. Goals of the work included:

- Restore river function
- Improve habitat
- Increase nutrient uptake
- Lower water temperature
- Increase overbank flooding

Mr. Cameron stressed the economic benefits and links between these elements. For example the better condition the floodplain is in the more it can help reduce flooding in other areas. He illustrated the McCarran Ranch as an example of where over time the river had been straightened which resulted in increased flow velocities and thus channelization of the river of up to three feet in depth. As a result the water table dropped and left many riparian plants and trees too far above the water table to survive. A visual sign of this has been the loss of up to 90% of the forest canopy along the Truckee River. Aerial photos from the past show this change. This also impacts nesting birds that rely on a riparian habitat for survival. The current project at McCarran Ranch involves five miles of riverside land purchased by TNC and the re-creation of a natural river flow and route. **Mr. Cameron** stressed the point that the restoration efforts are not guaranteed and just as unpredictable impacts have occurred due to past activities their work may also have unintended consequences.

Some highlights of the Fall 03 pilot project...

- Completed 20% of McCarran Ranch design
- 1 mile restored
- \$1.4 million
- 18,000 tons of rock
- 4 riffles & pools
- 2 wetlands
- 6 frog rearing ponds

Mr. Cameron emphasized that his group had a lot to learn with regards to filing for the proper permits and permission and that now they have a better idea of what information is needed for future requests. Funding has come from a variety of sources and there have been lessons learned as well. (See Below)

- Permits & BMPs
- Contracting
- Rock & plant supplies
- Construction sequencing & logistics
- Revegetation techniques

Future projects may include up to 15 miles of river projects for flood control and habitat improvement.

Mr. Cameron stated that the Nature Conservancy is also working with other groups to improve the river function by addressing the many barriers on the Truckee River. This can be done through retrofits at existing facilities, removal of unused structures and design changes to existing of proposed facilities without negatively affecting diversion rights.

Ms. Wilcox praised the work of the Nature Conservancy in recent projects. She also mentioned the amount of interagency work at locations such as at the McCarran Ranch and the Whitewater Park that would be part of the site visit in the afternoon.

Mr. Whitney commented on the activities of the Nature Conservancy their partnerships with Washoe County. He asked if the water table can be raised back up to restore plant life?

Mr. Cameron replied that several areas in their pilot project seem to indicate raising the water table is possible.

Mr. Higbee responded with an example where some older diversion dams were removed and it resulted in the channelizing of a river. He stressed the importance of identifying and understanding the "chain reaction" events that can occur when altering features of a river.

COUNTY PLANNING ISSUES

Mr. Mancebo asked for SLUPAC members to give short discussions on their pertinent issues.

Ms. Lockwood- Churchill

- The development of a new community water and sewer system is ongoing and a new manager for county has been hired , a former commander from the Fallon Naval Air Station. She insisted the selection was important strategically since the county is at a crossroads with many important planning issues. The county is about to start a new

water and sewer system. Churchill County appreciated the efforts of Washoe County in assisting it develop its plan to provide a new sewer and water authority. She stressed the importance of growth planning at this point.

- Churchill County would be happy sponsor the next SLUPAC meeting in Fallon.

Barbara Ginoulas- Clark County

- Clark County has been breaking records for new growth. A growth task force has been created to look at possible options of growing smarter set up as a result of public outcry and water issues. She emphasized the impacts of a building moratorium on the economy of the state. The new version of development will be more urban, with increased density, less grass and more of a mixed use feel. The uses have minimal water use compared to other types of development.

Ms. Wilcox asked if there was a timetable for the recommendations from the task force.

Ms. Ginoulas responded that the Board of County Commissioners expect the recommendations by January 05. It is likely that specific issues that will need further research.

Ms. Eklund-Brown- Elko

- There are a lot of planning items on the horizon. Ms. Eklund-Brown requested a meeting on fugitive dust management due to the new NDEP regulations that could have adverse financial impacts on counties. Counties have many rural roads that cannot be paved due to money. Health care concerns are facing the county now since there are not enough Medicaid providers in the county. **Pam Wilcox-** Noted the issues was not related to land use and NACO was a better forum for discussion.

Ms. Eklund- Brown commented that a future SLUPAC meeting discussion on General Improvement Districts would be helpful since the maintenance of public facilities related to new subdivisions is often a problem left for the counties to resolve. The state prefers regional GIDs for large areas. **Ms. Wilcox** inquired about the services provided by the GID's. Ms. Eklund-Brown said it was typical limited to roads. South Canyon is ongoing... Ms. Wilcox asked if GID's were of interest to the larger group for future topic especially since counties have very different approached to their use.

Varlin Higbee-Lincoln

- The county is concerned primarily about the 3 additional proposed wilderness areas and existing roads not shown on the maps other than the main highways. The utility corridors and potential adjacent owner conflicts in the Lincoln County Land Bill.
- Coyote Springs Development to be signed by county.
- Need for a GID ordinance at the county level.

David Fulstone- Lyon County

- The Dayton Valley and Fernley is experiencing a 14% growth rate.
- A Stagecoach element to the Lyon County Master Plan is being proposed and work on the Smith Valley element is progressing.
- A new county manager has been hired. Donna Christapoulos.
- Other topics included, Pine Nut Mtns. Resource Management Plan with BLM, Walker River mediation, Anaconda Mine restoration.
- The Pauite Tribe is requesting a superfund listing for the mine and the county is resisting.
- A proposed GID water expansion would get residential development near the mine off wells and onto municipal systems due to Uranium contamination levels..
- The county is still looking for an associate planner.
- Dayton/Moundhouse master plan element for the corridor.

Mickey Yarbro- Lander County

- The county is experiencing budget woes.
- Newmont Mining anticipates completion of the Phoenix Project in 2005. This represents the creation of 300 jobs with commencement this fall. The mine is expected to have a life of 15 years.
- The power plant in Eureka County (Battle Mtn.) is still on track and housing is proposed in Battle Mt. to accommodate workers. Land to be purchased for housing across from hospital to replace trailer parks.
- An ATV trail is being planned for the county with Lander and Eureka Counties as a means of attracting recreational users. Tried to keep ranchers involved due to cattle guards and concerns over water sources fro livestock.
- There is ongoing concern about the possible listing of the Sage grouse, if declared to be endangered it may endanger everyone in the county. May limit mobility across county lands. Most recent study shows higher numbers (120,000 birds) than originally expected.
- BLM wanting to have more discretionary law enforcement powers within counties with regards to drug and alcohol arrests..
- Battle mountain street improvements, widen the highway and the main street.

Bill Whitney-Washoe County

- Gerlach- Coal Power Plant in early stages. Meteorological test towers for wind data.
- Three California BLM districts overlap northern Washoe County, Susanville, Surprise Valley and Cedarville. The county has been spending a lot of time addressing ongoing Resource Management Plans for these districts.
- There is preliminary work being done on a Northern Nevada public lands bill which would include Washoe, Douglas and Carson City. The opposite approach as Clark County. The county has begun to identify lands for acquisition and disposal. Increased land into private sector. No timeframe has been set. In-holdings are a management nightmare for federal agencies especially when surrounded by residential lands.

Sheldon Bass-Nye County

- Nye County is opposed to the BLM proposal to increase its law enforcement.
- A new health care facility has broken ground in Pahrump. It is the first privately funded hospital in Pahrump.
- There is an ongoing effort to create a transportation planning district for the regional planning area.
- The Master Plan has been recently adopted and the Zoning ordinance become law on July 1st.
- Public facilities plan-20 year planning effort.
- Ballot measure proposed to revoke zoning efforts in the fall. Trouble getting participants in planning meetings. Unawareness by many people.
- There are ongoing dust problems in the Pahrump area due to the conversion of farm lands. Forced to sign contract for dust mitigation within 10 years. Many unpaved roads and troubles with school buses.
- Would like to see the winter SLUPAC meeting in Pahrump.

PUBLIC COMMENT

Jim Petell-Well Owners Association Pahrump

Stressed the importance of ongoing coordination with the public lands projects.

Tom Bluc- Hired as a consultant to county to identify abuses of water rights and address the county water plan.

COUNCIL MEMBER COMMENTS

No further comments were made.

COUNCIL DISCUSSION AND RECOMMENDATIONS

There was no further discussion or recommendations made by the Council on any previous items that were presented.

FUTURE MEETING CONSIDERATIONS

There was agreement on future ideas for SLUPAC including;

1. BLM law enforcement
2. GID discussion
3. Impact Fees
4. Fugitive Dust
5. USFS planning updates

Locations discussed included Fallon, Carson City and Douglas Counties.

ADJOURN

The meeting was adjourned at 12:15 pm.

A field trip was conducted to visit The Truckee River Whitewater park, White and Thomas Creek Trailheads, and a proposed site of the Galena Creek Campground. The Whitewater Park was originally a grass roots level proposal by recreationists that later garnered wider support from the community. The improvement of the water front was seen as a vehicle for economic development and tourism potential along the Truckee River. With support from private (casinos) and public sectors the project gained momentum and is now a model effort that could expand further along Reno's neglected waterfront. Karen Mullen, Director of Washoe County Parks and Recreation department discussed the successful partnerships that were created to address a wide range of concerns of multiple uses of the Truckee River.

At White's and Thomas Creeks trailhead the emphasis was on partnerships between different public sector agencies including the USDA Forest Service and Washoe County and the retention of access to public lands. Creative partnerships including the Reno Gazette-Journal also forged a new trailhead sign model for the eastern Sierras trails that could later be utilized by both Carson and Douglas counties. At Galena Creek a proposed campground was discussed at the site of a former campground converted to day use activities in the 1960's. The intent of the project was to provide additional public recreational activities in areas increasingly faced with residential development proposals. The proposal also led to the restoration of older buildings

by Washoe County. The major obstacle in this endeavor appeared to be NIMBY concerns by recent development east of the site. A proposed stop at Keystone Canyon was thwarted by traffic congestion. Members returned at 4:30 pm to Division of Wildlife building in Reno to conclude the day's events.

Clint Wertz, Land Use Planner
Meeting Recorder

These minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was tape-recorded. Anyone wishing to listen to the tapes may call (775) 687-4364 ext. 236 for an appointment. The tapes will be retained for three years.